



31 South Summit Avenue
Gaithersburg, Maryland 20877
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Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lenny Levy, Commissioners Matthew Hopkins, Lloyd Kaufman, Danny Winborne, and Alternate Geri Lanier, Planning and Code Administration Director Greg Ossont, Community Planning Director Trudy Schwarz, Planners Jacqueline Marsh and Caroline Seiden, and Recording Secretary Myriam Gonzalez. Chair Bauer noted Alternate Commissioner Lanier would sit at the dais but would participate on only non-regulatory items this evening, since all Commissioners were present.

I. APPROVAL OF MINUTES

February 28, 2007, Planning Commission Meeting

Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Minutes of the February 28, 2007, Planning Commission Meeting, as submitted this evening.

Vote: 4-0-1 (Abstained: Kaufman)

II. CONSENT

AFP-07-004 -- 3 Driscoll Court
(Meyers Residence)
Addition Over Garage
AMENDMENT TO FINAL PLAN REVIEW

AFP-07-007 -- 415 Midsummer Drive
(Hunsinger Residence)
120-Sq.Ft. Addition and
304-Sq.Ft. Screened Porch
AMENDMENT TO FINAL PLAN REVIEW

Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Consent Agenda.

Vote: 5-0

III. SITE PLAN

AFP-07-006 -- Summit Hall Elementary School R-A Zone
101 West Deer Park Road
Health Center
AMENDMENT TO FINAL PLAN REVIEW

Planner Marsh located the site on an aerial photograph and introduced the applicant.

Architect for the applicant, Jim Emr, Smolen-Emr & Associates, presented a rendered plan and proposed elevations, noting the location of the proposed health center, building access, and exterior circulation. He indicated the new facility would be for a health center for students and their families as well as for conference space for health-related meetings. He also presented the floor plan noting the circulation inside the building and interior access points, and answered Chair Bauer's questions about the security protocol as well as traffic generation and proximity to parking areas.

School Health Services Director Judith Covich and Linkages to Learning Coordinator Eileen Sparber, Montgomery County Department of Health and Human Services, answered questions of Chair Bauer as to the hours of operation of the center. Ms. Sparber noted the center would operate during the daytime, extending sometimes up to 8:30 p.m. while the school building is open.

The following was testimony from the public in opposition to the plan:

Steven Shrimen, Summit Hall Road resident, read a statement noting the proposed use is outside the charter of Montgomery County Public Schools (MCPS), adding that it is incompatible and inharmonious with the rest of the facility and community. He also noted the proposed center would adversely affect the community in terms of potential traffic and crime increases, adding that implementation of this plan would be inappropriate.

Dolly Kildee, 212 Summit Hall Road, identified herself as a 32-year Summit Hall Road resident, former instructional assistant and long-time volunteer at the school, and a member of the architectural committee for the new addition and for the vehicular access design. She read a statement that pointed out problems with the proposed facility access location in relation to its distance from parking, play-area reduction, student safety and security issues.

Brian Kildee, 212 Summit Hall Road, continued by pointing out there are three similar clinics in the area as well as available suitable space for this type of facility elsewhere in the community, questioning the need for one at the subject school. He also questioned the adequacy of the proposed security protocol and appropriateness of this location for the proposed use, and asked that the record be held open until the impact of this plan on the students and the community is fully considered.

Planner Marsh indicated this plan complies with Zoning Ordinance §§ 24-170 and 24-172, with a condition that she listed.

Chair Bauer started the discussion by noting that many of the residents' concerns are not within the purview of the Commission's review. He pointed out that this plan proposes a modest building addition that is better than an additional trailer. Commissioner Winborne reviewed the applicable criteria for approval and noted that since the proposed use is for the students and their parents, it is compatible and the impact is low on the existing school. Commissioner Kaufman agreed, adding that the Linkages to Learning Program has been in place for years at the school.

Commissioners Hopkins and Kaufman voiced some concern over the distance of the parking area to the facility's access, pointing out, however, there is no optional location for the health center so that it is closer to the parking areas. Commissioner Hopkins recommended enforcement of no double-parking along Summit Hall Road. Vice-Chair Levy voiced an additional concern over school projects which consistently reduce student play areas for the implementation of other programs without much consideration of alternative locations. It was noted that this is not the case with the subject application.

The Commission discussed language for additional conditions to address the concerns relating to the distance of parking from the facility and security issues.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant AFP-07-006 - Summit Hall Elementary School, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170 and 24-172, with the following recommendations:

1. Final storm water management and sediment erosion control are to be approved by the Department of Public Works, Park Maintenance and Engineering (DPWPM&E) before the issuance of any permits;
2. Applicant shall work with staff to prepare measures to educate health center clients about parking and access; and
3. Applicant shall provide an onsite security analysis before the issuance of occupancy permits.

Vote: 5-0

IV. RECOMMENDATION TO MAYOR AND COUNCIL

SDP-04-001 -- Churchill Development Corp.

Request for approval of the Schematic Development Plan (SDP), known as Quince Orchard Park, The Vistas, bounded by Winter Walk Drive, Orchard Ridge Drive, Twin Lakes Drive and Quince Orchard Road in the Quince Orchard Park development in Gaithersburg, Maryland. The proposed plan includes mixed residential (13 single-family detached, 38 townhouses, and 32 multi-family 2-over-2 condominium units) on approximately 11.68 acres of land. The property is within the Mixed Use Development (MXD) Zone.

Planner Seiden located the property on an aerial photograph and noted this application was the subject of a joint public hearing in December 2004 and two subsequent joint work sessions in April 2005 and September 2006. She noted that an additional exhibit, received before the closing of the record, was distributed to the Commission this evening. She presented an illustrative plan, noting site entrances, open space, sports court and open field, and public art space, among other amenities. She also presented conceptual elevations of the 2/2 condominium units, two types of single-family units, and rear/front-loaded garage townhouses.

Ms. Seiden briefly reviewed the Staff Analysis, focusing on three main issues, i.e., the lack of design guidelines, the plan density, and the forest conservation requirements, and listed staff's recommendations/conditions for SDP approval. She answered questions of the Commission on conditions relating to homeowner association documents and review of architecture, community integration with Quince Orchard Park and improvement of common facilities, and treatment of architecture for a gateway community.

Chair Bauer and Commissioner Hopkins agreed that since the architectural details (e.g., materials and four-sided elevations) are unavailable at this time, that information needs to be submitted before the Commission's review of the final site plan. They emphasized the need for this development to be integrated with the neighborhood in terms of land and amenities, and for key lots to be architecturally treated for high visibility, as this community is the gateway to that area of the City. It was noted that lots facing Quince Orchard Road, Twin Lakes and

Orchard Ridge Drives would be considered highly visible and should be treated accordingly. Chair Bauer also noted the need for a robust landscape plan and a substantial buffer adding that the Corridor Cities Transitway (CCT) would eventually pass through the area.

The Commission discussed appropriate language to accompany their recommendation and modified Conditions 7, 11 and 13 to address the above concerns, moving as follows:

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to recommend to the City Council, APPROVAL of SDP-04-001 – The Vistas, Quince Orchard Park, with the following conditions:

1. Prior to submission of any permits, dedication for the 50-foot transit way, as shown on the SDP, shall be recorded by Quadrangle Development Corporation or Churchill Development Corporation;
2. Applicant is to complete on-site community amenities, including the basketball and volleyball courts, prior to the occupancy of the 55th home, and complete the two interior courtyards concurrently with the completion of adjacent dwelling units to each interior courtyard;
3. Applicant shall receive final approval letters from appropriate utility agencies including, but not limited to, Washington Gas, Pepco, Verizon, and WSSC, prior to approval of the final site plan;
4. The final utility plan shall be revised and approved by the Department of Public Works, Park Maintenance and Engineering (DPWPM&E) prior to the issuance of Public Works permits;
5. A comprehensive community sign package is to be approved by the Planning Commission at the time of final site plan approval;
6. At the time of final site plan, the applicant is to provide additional data confirming that the 60 dBA exterior noise level and 45 dBA interior noise level guidelines have been maintained;
7. Applicant is to submit at the time of final site plan an enhanced architectural design plan indicating color palette, identifying units treated with four-sided architecture, identifying and detailing end units and highly visible units, and indicating the minimum number of units with specific design details, such as porches, bay windows, dormers, and other architectural details in order to show compatibility with Quince Orchard Park. The plan must ensure that no identical elevations shall be sited within a four-lot envelope;
8. Applicant is to work with Pepco to establish additional utility easements for transformers at time of final site plan;

9. Applicant is to provide Art in Public Places program and commit funding to be approved by City staff and AIPP Committee during the final site plan stage;
10. Applicant is to obtain approval of a road code waiver from the Mayor and City Council at the time of SDP approval;
11. Prior to final site plan submission, the applicant shall submit to the City Attorney for review and approval, the Homeowners Association documents, including architectural regulations similar to those for Quince Orchard Park;
12. Applicant is to continue to work with City staff to meet all reforestation requirements either on-site or within the greater Quince Orchard Park community; and
13. Applicant is to continue to coordinate with the Quince Orchard Park community to develop a program ensuring integration of the two communities through shared common amenities and reciprocal uses prior to final site plan.

Vote: 5-0

V. DISCUSSION

Zoning Ordinance § 24-168 – Residential Site Plan Requirements

Planning and Code Administration Director Ossont provided an overview of the existing ordinance (§ 24-168), noting that its requirements apply also to single-family residential homes. He added that changes to single-family homes in older neighborhoods, which do not have site plans nor a homeowner association or architectural guidelines, are staff-reviewed/approved via the permitting process. He referenced a presentation made at a joint work session in February 2006, noting that with the current residential modification approval process, there is a potential for mansionizations in older neighborhoods, which would change the character of those neighborhoods.

He voiced staff's recommendation for a text amendment to provide standards for changes to homes that have no site plan to ensure the character of a neighborhood is maintained while retaining the flexibility of the existing process. He also referenced staff's list of suggestions to address the issue and requested the Commission's guidance as to how to proceed.

While recognizing the need for new standards to address staff's concern, Chair Bauer emphasized the importance of establishing a threshold for the square footage increase to trigger the implementation of the new standards. He noted that the purpose of the text amendment is to establish a process for an inevitable transition so that it is orderly and amicable to the residents; it is environmentally sensitive and addresses occupancy, off-street parking and traffic issues.

Commissioner Hopkins added that it needs language to encourage redevelopment in a quality manner and a maintainable way and makes it clear that it is not to establish a planned community. Vice-Chair Levy suggested deferring to staff for the establishment of the trigger for the square footage.

The following speakers favored the proposal:

West Riding Citizens Association President JoAnne Schimke, 734 Tiffany Court, noted that West Riding is an R-90-zoned, established community where many residents are considering interior remodeling and additional space vs. relocating. She noted that the choice to stay in the City represents a great expense and residents would benefit from the establishment of a process that supports them.

Alan Fraser, 790 West Kimberly Court, West Riding resident and former City Planning Commissioner, suggested that regulations include compatibility screening and notification procedures. He was in support of a text amendment that would provide flexibility so as not burden citizens and discouraged them from making improvements, but would also prevent mansionization.

Cathy Drisgula, 16 Walker Avenue, stressed the importance for residents of older neighborhoods to have a choice on property improvements. She voiced her strong belief on the need for creating standards which are based on good planning principles, are clear, and include notification procedures and a trigger square footage. Regarding the latter, she suggested that consideration be given to compatibility with adjacent properties, as well as to environmental aspects.

At the Commission's direction, Mr. Ossont indicated that staff would work on drafting language to bring back with sample cases for the Commission's discussion.

VI. FROM STAFF

Community Planning Director Schwarz

Listed the Commission's upcoming regular meetings and a joint public hearing on April 16.

VII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 9:21 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary